

## **Federal Operating Permit Article 1**

This permit is based upon the requirements of Title V of the Federal Clean Air Act and Chapter 80, Article 1, of the Commonwealth of Virginia Regulations for the Control and Abatement of Air Pollution. Until such time as this permit is reopened and revised, modified, revoked, terminated or expires, the permittee is authorized to operate in accordance with the terms and conditions contained herein. This permit is issued under the authority of Title 10.1, Chapter 13, §10.1-1322 of the Air Pollution Control Law of Virginia. This permit is issued consistent with the Administrative Process Act, and 9 VAC 5-80-50 through 9 VAC 5-80-300, of the State Air Pollution Control Board Regulations for the Control and Abatement of Air Pollution of the Commonwealth of Virginia.

Authorization to operate a Stationary Source of Air Pollution as described in this permit is hereby granted to:

Permittee Name:	Island Creek Coal Company
Facility Name:	VP No. 3
Facility Location:	Route 83, Vansant, Buchanan County, Virginia

Registration Number:	10352
Permit Number:	SWRO10352

June 1, 2007  
Effective Date

May 31, 2012  
Expiration Date

\_\_\_\_\_  
Dallas R. Sizemore  
Deputy Regional Director

May 30, 2007  
Signature Date

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## **I. Facility Information**

### **Permittee**

Island Creek Coal Company  
P.O. Drawer L  
Oakwood, VA 24631

### **Responsible Official**

John Zachwieja  
Vice-President

### **Facility**

VP No. 3  
Route 83, Vansant, Buchanan County, Virginia

### **Contact Person**

Gerald F. Ramsey  
Supervisor, Environmental Permitting  
(276) 498 - 8215

**County-Plant Identification Number:** 51-027-00009

**Facility Description:** NAICS Code: 212112 - Bituminous Coal Underground Mining - Coal Preparation Plant - Coal is cleaned and dried prior to shipment by railcar.

## II. Emission Units

Equipment to be operated consists of:

Emission Unit ID	Stack ID	Emission Unit Description	Size/Rated Capacity	Pollution Control Device Description (PCD)	PCD ID	Pollutant(s) Controlled
S001	Z01	Feeder to Rotary Breaker	1000 TPH	Full Enclosure	D001	PM/PM-10
S002A	Z01	Rotary Breaker	1000 TPH	Full Enclosure	D001	PM/PM-10
S002B	Z01	Crusher	300 TPH	Full Enclosure	D001	PM/PM-10
S003	Z01	Rotary Breaker to Conveyor No. 1	750 TPH	Full Enclosure	D001	PM/PM-10
S004	Z01	Conveyor No. 1 to Raw Coal Silo	750 TPH	Full Enclosure	D002	PM/PM-10
S005	Z01	Raw Coal Silo to Conveyor No. 2	750 TPH	Full Enclosure	D002	PM/PM-10
S006	Z01	Conveyor No. 2 to Preparation Plant	750 TPH	Full Enclosure	D003	PM/PM-10
S007C	P002	Thermal Dryer	500 TPH	Venturi Wet Scrubber	D004	PM/PM-10, SO <sub>2</sub>
S008	Z01	Conveyor No. 3 to Conveyor No. 4	600 TPH	Water Spray	D005	PM/PM-10
S009	Z01	Conveyor No. 4 to Clean Coal Stockpile	600 TPH	Water Spray	D006	PM/PM-10
S010	Z01	Clean Coal Stockpile	0.8 Acres	Water Spray	D006	PM/PM-10
S011	Z01	Dozer Grading Clean Coal Stockpile	600 TPH	Water Spray	D006	PM/PM-10
S012	Z01	Dozer Loading Stockpile Hopper	300 TPH	Water Spray	D006	PM/PM-10
S013	Z01	Stockpile Hopper to Conveyor No. 4	300 TPH	Partial Enclosure	D007	PM/PM-10
S014	Z01	Conveyor No. 4 to Conveyor No. 5	550 TPH	Full Enclosure	D005	PM/PM-10
S015	Z01	Conveyor No. 5 to Rail Car Loadout	550 TPH	Partial Enclosure	D008	PM/PM-10
S017	Z01	Rail Car Loading through Telescopic Chute	550 TPH	Telescopic Chute	D009	PM/PM-10

Emission Unit ID	Stack ID	Emission Unit Description	Size/Rated Capacity	Pollution Control Device Description (PCD)	PCD ID	Pollutant(s) Controlled
S018	Z01	Crusher to Conveyor No. 6	300 TPH	Full Enclosure	D001	PM/PM-10
S019	Z01	Conveyor No. 6 to Refuse Bin	300 TPH	Partial Enclosure	D010	PM/PM-10
S020	Z01	Conveyor No. 6 to Conveyor No. 7	300 TPH	Partial Enclosure	D010	PM/PM-10
S021	Z01	Conveyor No. 7 to Mountain Top Refuse Bin	300 TPH	Partial Enclosure	D011	PM/PM-10
S022	Z01	Loading Refuse Trucks through Stationary Chute	300 TPH	Chute No. 1	D012	PM/PM-10
S023	Z01	Truck Dumping Refuse onto Ground	300 TPH	N/A	N/A	N/A
S024	Z01	Dozer Grading Refuse Pile	300 TPH	N/A	N/A	N/A
S025	Z01	Refuse Bin Chute Dumping onto Ground	300 TPH	N/A	N/A	N/A
S026	Z01	Loading Refuse Trucks by Endloader	300 TPH	N/A	N/A	N/A
S027	Z01	Dozer Loading Stockpile Loadout Feeder	250 TPH	Partial Enclosure	D014	PM/PM-10
S028	Z01	Feeder to Stockpile Loadout	250 TPH	Partial Enclosure	D015	PM/PM-10
S029	Z01	Rail Car Loading through Stationary Chute	250 TPH	Chute No. 2	D016	PM/PM-10
S030	Z01	Unpaved Roads	72,927 VMT	Water Spray	D017	PM/PM-10

VMT = Vehicle Miles Traveled

### **III. Thermal Dryer Requirements - Unit ID# S007C**

#### **A. Limitations**

1. Visible emissions from the thermal dryer shall not exceed 20% opacity, except for one six-minute period in any one hour of not more than 60% opacity.  
(9 VAC 5-80-110 and 9 VAC 5-40-80)
2. Emissions from the operation of the thermal dryer shall not exceed the limits specified below:

Particulate Matter                      105 lbs/hr

Sulfur Dioxide                      411.84 lbs/hr  
(9 VAC 5-80-110, 9 VAC 5-40-1980 and 9 VAC 5-40-280)

#### **B. Monitoring**

1. Cyclones: Upon re-start and annually thereafter the permittee shall inspect each cyclone to insure structural integrity.  
(9 VAC 5-80-110)
2. Scrubbers: Prior to the performance tests required under Condition III.D.1 of this permit, the permittee shall install, calibrate, maintain and continuously operate in accordance with the manufacturer's recommendations at a minimum, the following:
  - a. A monitoring device for the measurement of the temperature of the gas at the exit of the thermal dryer. The monitoring device is to be certified by the manufacturer to be accurate within  $\pm 3^{\circ}$  Fahrenheit.
  - b. A monitoring device for the measurement of the pressure loss through the venturi constriction of the control equipment.
  - c. A monitoring device for the measurement of the water supply pressure to the control equipment. The monitoring device is to be certified by the manufacturer to be accurate within  $\pm 5$  percent of design water supply pressure. The pressure sensor or tap must be located close to the water discharge point.  
(9 VAC 5-80-110, 40 CFR 64.3(b)(2) and 40 CFR 64.7(a))

3. The permittee shall visually observe the thermal dryer exhaust stack at least once each calendar week to determine the presence of visible emissions while operating (does not include condensed water vapor/steam). If during the observation, visible emissions are observed, then a visible emission evaluation (VEE) shall be conducted in accordance with 40 CFR 60, Appendix A, Method 9. The VEE shall be conducted for a minimum of six minutes. If any of the observations exceed 20%, the VEE shall be conducted for a total of 60 minutes. A Method 9 evaluation shall not be required if the visible emissions condition is corrected as expeditiously as possible such that no visible emissions exist; the emissions unit is operating at normal conditions; and, the cause and corrective measures taken are recorded. A record of each visible emission observation shall be maintained, including, at a minimum, the date, time, name of the emission unit, the applicable visible emissions requirement, results of the observation, and the name of the observer.  
(9 VAC 5-80-110)
4. **Compliance Assurance Monitoring (CAM)** - The permittee shall monitor, operate, calibrate and maintain the devices listed in Condition III.B.2 of this permit according to the following:



Thermal Dryer (S007C) Compliance Assurance Monitoring Plan

	Indicator No. 1	Indicator No. 2	Indicator No. 3
I. Indicator	Exhaust Gas Temperature	Pressure Loss	Water Supply Pressure
A. Measurement Approach	Temperature measurement device	Differential pressure gauge	Pressure gauge
II. Indicator Range	To be established during the initial performance tests	An excursion is defined as a pressure loss through the scrubber of less than 28 inches water column	An excursion is defined as a water supply pressure of less than 25 pounds per square inch gage
III. Performance Criteria			
A. Data Representativeness	The temperature measurement device monitors the temperature of the gas at the exit of the thermal dryer	The differential pressure gauge monitors the static pressures upstream and downstream of the scrubber's venturi throat	The water pressure gauge monitors water supply pressure to the scrubber. The gauge is to be located close to the water discharge point.
B. Verification of Operational Status	The monitoring device shall be installed and calibrated according to the manufacturer's recommendations prior to the initial performance tests	The monitoring device shall be installed and calibrated according to the manufacturer's recommendations prior to the initial performance tests	The monitoring device shall be installed and calibrated according to the manufacturer's recommendations prior to the initial performance tests
C. QA/QC Practices and Criteria	The device is to be certified by the manufacturer to be accurate within $\pm 3^{\circ}$ Fahrenheit and calibrated annually based on manufacturer's recommendations	The device is to be certified by the manufacturer to be accurate within $\pm 1$ inch water gage and calibrated annually based on manufacturer's recommendations	The device is to be certified by the manufacturer to be accurate within $\pm 5\%$ of design water supply pressure and calibrated annually based on manufacturer's recommendations
D. Monitoring Frequency	Measure continuously	Measure continuously	Measure continuously
E. Data Collection Procedures	Record continuously on a chart recorder	Record continuously on a chart recorder	Record continuously on a chart recorder
F. Averaging Period	None	None	None

(9 VAC 5-80-110 and 40 CFR 64)

5. **Compliance Assurance Monitoring (CAM)** - The permittee shall conduct the monitoring and fulfill the other obligations specified in 40 CFR 64.7 through 40 CFR 64.9.  
(9 VAC 5-80-110 E and 40 CFR 64.6 (c))
6. **Compliance Assurance Monitoring (CAM)** - At all times, the permittee shall maintain the monitoring equipment, including, but not limited to, maintaining necessary parts for routine repairs of the monitoring equipment.  
(9 VAC 5-80-110 E and 40 CFR 64.7 (b))
7. **Compliance Assurance Monitoring (CAM)** - Except for, as applicable, monitoring malfunctions, associated repairs, and required quality assurance or control activities (including, as applicable, calibration checks and required zero and span adjustments), the permittee shall conduct all monitoring in continuous operation (or shall collect data at all required intervals) at all times that the thermal dryer is operating. Data recorded during monitoring malfunctions, associated repairs, and required quality assurance or control activities shall not be used for purposes of compliance assurance monitoring, including data averages and calculations, or fulfilling a minimum data availability requirement, if applicable. The permittee shall use all the data collected during all other periods in assessing the operation of the control device and associated control system. A monitoring malfunction is any sudden, infrequent, not reasonably preventable failure of the monitoring to provide valid data. Monitoring failures that are caused in part by inadequate maintenance or improper operation are not malfunctions.  
(9 VAC 5-80-110 E and 40 CFR 64.7 (c))
8. **Compliance Assurance Monitoring (CAM)** - Upon detecting an excursion or exceedance, the permittee shall restore operation of the thermal dryer (including the control device and associated capture system) to its normal or usual manner of operation as expeditiously as practicable in accordance with good air pollution control practices for minimizing emissions. The response shall include minimizing the period of any startup, shutdown or malfunction and taking any necessary corrective actions to restore normal operation and prevent the likely recurrence of the cause of an excursion or exceedance (other than those caused by excused startup and shutdown conditions). Such actions may include initial inspection and evaluation, recording that operations returned to normal without operator action (such as through response by a computerized distribution control system), or any necessary follow-up actions to return operation to within the indicator, designated condition, or below the applicable emission limitation or standard, as applicable.  
(9 VAC 5-80-110 E and 40 CFR 64.7 (d)(1))
9. **Compliance Assurance Monitoring (CAM)** - Determination that acceptable procedures were used in response to an excursion or exceedance will be based on information available, which may include but is not limited to, monitoring results, review of operation and maintenance procedures and records, and inspection of the control device, associated capture system, and the process.  
(9 VAC 5-80-110 E and 40 CFR 64.7(d)(2))

10. **Compliance Assurance Monitoring (CAM)** - If the permittee identifies a failure to achieve compliance with an emission limitation or standard for which the approved monitoring did not provide an indication of an excursion or exceedance while providing valid data, or the results of compliance or performance testing document a need to modify the existing indicator ranges or designated conditions, the permittee shall promptly notify the Director, Southwest Regional Office and, if necessary, submit a proposed modification to this permit to address the necessary monitoring changes. Such a modification may include, but is not limited to, reestablishing indicator ranges or designated conditions, modifying the frequency of conducting monitoring and collecting data, or the monitoring of additional parameters.

(9 VAC 5-80-110 E and 40 CFR 64.7(e))

11. **Compliance Assurance Monitoring (CAM)** - If the number of exceedances or excursions exceeds 5 percent duration of the operating time for the thermal dryer for a semiannual reporting period, the permittee shall develop, implement and maintain a Quality Improvement Plan (QIP) in accordance with 40 CFR 64.8. If a QIP is required, the permittee shall have it available for inspection. The QIP initially shall include procedures for evaluating the control performance problems and, based on the results of the evaluation procedures, the permittee shall modify the plan to include procedures for conducting one or more of the following, as appropriate:

- a. Improved preventative maintenance practices;
- b. Process operation changes;
- c. Appropriate improvements to control methods;
- d. Other steps appropriate to correct control performance; and
- e. More frequent or improved monitoring.

(9 VAC 5-80-110 E and 40 CFR 64.8(a) and (b))

### **C. Recordkeeping**

The permittee shall maintain records of all emission data and operating parameters necessary to demonstrate compliance with this permit. The content of and format of such records shall be arranged with the Director, Southwest Regional Office. These records shall include, but are not limited to:

- 1. Monitoring data, monitor performance data, monitor maintenance and corrective actions for each thermal dryer exit gas temperature probe, venturi scrubber differential pressure gage and venturi scrubber water supply pressure gage;
- 2. Any written Quality Improvement Plan and any activities undertaken to implement a Quality Improvement Plan, and any such data used to document the adequacy of monitoring;
- 3. The monthly and annual production of dried coal. The annual production shall be calculated as the sum of each consecutive 12-month period;

4. The monthly and annual consumption of coal by the thermal dryer. Annual consumption shall be calculated monthly as the sum of each consecutive 12-month period;
5. Performance tests;
6. Weekly visual observations of the thermal dryer stack exhaust and any visible emission evaluations; and
7. Results of cyclone inspections.

These records shall be available on site for inspection by the DEQ and shall be current for the most recent five years.  
(9 VAC 5-80-110)

#### **D. Testing**

1. Initial performance tests shall be conducted for particulate matter and sulfur dioxide from the thermal dryer, S007C, to determine compliance with the emission limits contained in Condition III.A.2 of this permit. The tests shall be performed, reported and demonstrate compliance within 60 days after achieving the maximum production rate at which the facility will be operated but in no event later than 180 days after start-up of the thermal dryer. Tests shall be conducted and reported and data reduced as set forth in 9 VAC 5-40-30. The details of the tests are to be arranged with the Director, Southwest Regional Office. The permittee shall submit a test protocol at least 30 days prior to testing. Two copies of the test results shall be submitted to the Director, Southwest Regional Office within 45 days after test completion and shall conform to the test report format enclosed with this permit.  
(9 VAC 5-80-110 and 9 VAC 5-40-30)
2. Once every two years, and upon request by the DEQ, the permittee shall conduct performance tests for particulate matter and sulfur dioxide from the thermal dryer, S007C, to demonstrate compliance with the emission limits contained in this permit. The details of the tests shall be arranged with the Director, Southwest Regional Office.  
(9 VAC 5-80-110 and 9 VAC 5-40-30 G)

#### **E. Reporting**

1. The semi-annual report required by Condition VII.C.3 of this permit shall include the following:
  - a. Summary information on the number, duration and cause (including unknown cause, if applicable) of excursions or exceedances, as applicable, and the corrective actions taken;
  - b. Summary information on the number, duration and cause (including unknown cause, if applicable) for monitor downtime incidents (other than downtime

associated with zero and span or other daily calibration checks, if applicable); and

- c. A description of the actions taken to implement a Quality Improvement Plan, if one is required, during the reporting period. Upon completion of a Quality Improvement Plan, the permittee shall include in the next summary report documentation that the implementation of the plan has been completed and reduced the likelihood of similar levels of excursions or exceedances occurring.

(9 VAC 5-80-110, 9 VAC 5-40-50 and 40 CFR 64.9(a))

- 2. The permittee shall furnish written notification to the Director, Southwest Regional Office of the following:

- a. The anticipated start-up date of the thermal dryer, S007C, postmarked not more than 60 days or less than 30 days prior to such date.
- b. The actual start-up date of the thermal dryer, S007C, within 15 days after such date.
- c. The anticipated date of performance tests of the thermal dryer, S007C, postmarked at least 30 days prior to such date.

(9 VAC 5-80-110 and 9 VAC 5-40-50)

## **IV. Facility-Wide Conditions**

### **A. Limitations**

Visible emissions from all the coal processing and conveying equipment, coal storage systems, and coal transfer and loading systems shall not exceed 20% opacity, except for one six-minute period in any one hour of not more than 60% opacity.

(9 VAC 5-80-110 and 9 VAC 5-40-80)

### **B. Monitoring**

The permittee shall visually observe the coal processing equipment at least once each calendar week to determine which operating emissions units have visible emissions (does not include condensed water vapor/steam). If visible emissions are observed during these required observations, visible emission evaluations (VEE) in accordance with 40 CFR 60, Appendix A, Method 9, shall be conducted on those units with visible emissions. The VEE shall be conducted for a minimum of six minutes. If any of the observations exceed 20%, the VEE shall be conducted for a total of 60 minutes. A Method 9 evaluation shall not be required if the visible emission condition is corrected as expeditiously as possible such that no visible emissions exist; the emissions unit is operating at normal conditions; and, the cause and corrective measures taken are recorded. A record of each visible emissions observation shall be maintained, and shall include, at a minimum, the date, time, name of the emission unit, the applicable emission requirement, results of the observation and the name of the observer.

(9 VAC 5-80-110)

**C. Recordkeeping**

The permittee shall maintain records of all emission data and operating parameters necessary to demonstrate compliance with this permit. The content of and format of such records shall be arranged with the Director, Southwest Regional Office. These records shall include, but are not limited to a log of weekly visible emission observations and the results of all VEEs for the coal processing equipment as required in Condition IV.B of this permit. These records shall be available on site for inspection by the DEQ and shall be current for the most recent five years.  
(9 VAC 5-80-110)

**D. Testing**

1. The permitted facility shall be constructed so as to allow for emissions testing at any time using appropriate methods. Upon request of the Department, test ports shall be provided at the appropriate locations.  
(9 VAC 5-40-30 and 9 VAC 5-80-110)
2. If testing is conducted in addition to the monitoring specified in this permit, the permittee shall use appropriate method(s) in accordance with procedures approved by the DEQ.  
(9 VAC 5-80-110)

**V. Insignificant Emission Units**

The following emission units at the facility are identified in the application as insignificant emission units under 9 VAC 5-80-720:

Emission Unit No.	Emission Unit Description	Citation	Pollutant(s) Emitted (5-80-720 B)	Rated Capacity (5-80-720 C)
INS-01	Storage Tanks	5-80-720 B.2.	VOC	N/A
INS-02	Emergency Dryer Bypass	5-80-720 B	VOC, NO <sub>x</sub> , SO <sub>2</sub> , PM, PM-10, CO	N/A
INS-03	Rock Dust Silo	5-80-720 B.1.	PM, PM-10	N/A
INS-04	Magnetite Silo	5-80-720 B.1.	PM, PM-10	N/A
INS-05	Thermal Dryer Pre-igniter	5-80-720 B	VOC, NO <sub>x</sub> , SO <sub>2</sub> , PM, PM-10, CO	N/A
S007A	Froth Flotation	5-80-720 B.2.	VOC	N/A
S007B	Vacuum Filtration System	5-80-720 B.2.	VOC	N/A
S007D	Thickener	5-80-720 B.2.	VOC	N/A
S016	Rail Car Loadout Sprays	5-80-720 B.2.	VOC	N/A

These emission units are presumed to be in compliance with all requirements of the federal Clean Air Act as may apply. Based on this presumption, no monitoring,

recordkeeping, or reporting shall be required for these emission units in accordance with 9 VAC 5-80-110.

## VI. Permit Shield & Inapplicable Requirements

Compliance with the provisions of this permit shall be deemed compliance with all applicable requirements in effect as of the permit issuance date as identified in this permit. This permit shield covers only those applicable requirements covered by terms and conditions in this permit and the following requirements which have been specifically identified as being not applicable to this permitted facility:

Citation	Title of Citation	Description of applicability
None identified		

Nothing in this permit shield shall alter the provisions of §303 of the federal Clean Air Act, including the authority of the administrator under that section, the liability of the owner for any violation of applicable requirements prior to or at the time of permit issuance, or the ability to obtain information by the administrator pursuant to §114 of the federal Clean Air Act, (ii) the Board pursuant to §10.1-1314 or §10.1-1315 of the Virginia Air Pollution Control Law or (iii) the Department pursuant to §10.1-1307.3 of the Virginia Air Pollution Control Law.

(9 VAC 5-80-140)

## VII. General Conditions

### A. Federal Enforceability

All terms and conditions in this permit are enforceable by the administrator and citizens under the federal Clean Air Act, except those that have been designated as only state-enforceable.

(9 VAC 5-80-110 N)

### B. Permit Expiration

This permit has a fixed term of five years. The expiration date shall be the date five years from the date of issuance. Unless the owner submits a timely and complete application for renewal to the Department consistent with the requirements of 9 VAC 5-80-80, the right of the facility to operate shall be terminated upon permit expiration.

1. The owner shall submit an application for renewal at least six months but no earlier than eighteen months prior to the date of permit expiration.
2. If an applicant submits a timely and complete application for an initial permit or renewal under this section, the failure of the source to have a permit or the operation of the source without a permit shall not be a violation of Article 1, Part II of 9 VAC 5 Chapter 80, until the Board takes final action on the application under 9 VAC 5-80-150.
3. No source shall operate after the time that it is required to submit a timely and complete application under subsections C and D of 9 VAC 5-80-80 for a renewal

permit, except in compliance with a permit issued under Article 1, Part II of 9 VAC 5 Chapter 80.

4. If an applicant submits a timely and complete application under section 9 VAC 5-80-80 for a permit renewal but the Board fails to issue or deny the renewal permit before the end of the term of the previous permit, (i) the previous permit shall not expire until the renewal permit has been issued or denied and (ii) all the terms and conditions of the previous permit, including any permit shield granted pursuant to 9 VAC 5-80-140, shall remain in effect from the date the application is determined to be complete until the renewal permit is issued or denied.
5. The protection under subsections F 1 and F 5 (ii) of section 9 VAC 5-80-80 F shall cease to apply if, subsequent to the completeness determination made pursuant section 9 VAC 5-80-80 D, the applicant fails to submit by the deadline specified in writing by the Board any additional information identified as being needed to process the application.  
(9 VAC 5-80-80 B, C, and F, 9 VAC 5-80-110 D and 9 VAC 5-80-170 B)

### C. Recordkeeping and Reporting

1. All records of monitoring information maintained to demonstrate compliance with the terms and conditions of this permit shall contain, where applicable, the following:
  - a. The date, place as defined in the permit, and time of sampling or measurements.
  - b. The date(s) analyses were performed.
  - c. The company or entity that performed the analyses.
  - d. The analytical techniques or methods used.
  - e. The results of such analyses.
  - f. The operating conditions existing at the time of sampling or measurement.  
(9 VAC 5-80-110 F)
2. Records of all monitoring data and support information shall be retained for at least five years from the date of the monitoring sample, measurement, report, or application. Support information includes all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by the permit.  
(9 VAC 5-80-110 F)
3. The permittee shall submit the results of monitoring contained in any applicable requirement to DEQ no later than **March 1** and **September 1** of each calendar year. This report must be signed by a responsible official, consistent with 9 VAC 5-80-80 G, and shall include:



- a. The time period included in the report. The time periods to be addressed are January 1 to June 30 and July 1 to December 31.
- b. All deviations from permit requirements. For purpose of this permit, deviations include, but are not limited to:
  - (1) Exceedance of emissions limitations or operational restrictions;
  - (2) Excursions from control device operating parameter requirements, as documented by continuous emission monitoring, periodic monitoring, or Compliance Assurance Monitoring (CAM) which indicates an exceedance of emission limitations or operational restrictions; or,
  - (3) Failure to meet monitoring, recordkeeping, or reporting requirements contained in this permit.
- c. If there were no deviations from permit conditions during the time period, the permittee shall include a statement in the report that "no deviations from permit requirements occurred during this semi-annual reporting period."  
(9 VAC 5-80-110 F)

**D. Annual Compliance Certification**

Exclusive of any reporting required to assure compliance with the terms and conditions of this permit or as part of a schedule of compliance contained in this permit, the permittee shall submit to EPA and DEQ no later than March 1 each calendar year a certification of compliance with all terms and conditions of this permit including emission limitation standards or work practices. The compliance certification shall comply with such additional requirements that may be specified pursuant to §114(a)(3) and §504(b) of the federal Clean Air Act. This certification shall be signed by a responsible official, consistent with 9 VAC 5-80-80 G, and shall include:

1. The time period included in the certification. The time period to be addressed is January 1 to December 31.
2. The identification of each term or condition of the permit that is the basis of the certification.
3. The compliance status.
4. Whether compliance was continuous or intermittent, and if not continuous, documentation of each incident of non-compliance.
5. Consistent with subsection 9 VAC 5-80-110 E, the method or methods used for determining the compliance status of the source at the time of certification and over the reporting period.
6. Such other facts as the permit may require to determine the compliance status of the source.

7. One copy of the annual compliance certification shall be sent to EPA at the following address:

Clean Air Act Title V Compliance Certification (3AP00)  
U.S. Environmental Protection Agency, Region III  
1650 Arch Street  
Philadelphia, PA 19103-2029  
(9 VAC 5-80-110 K.5)

**E. Permit Deviation Reporting**

The permittee shall notify the Director, Southwest Regional Office within four daytime business hours after discovery of any deviations from permit requirements which may cause excess emissions for more than one hour, including those attributable to upset conditions as may be defined in this permit. In addition, within 14 days of the discovery, the permittee shall provide a written statement explaining the problem, any corrective actions or preventative measures taken, and the estimated duration of the permit deviation. Owners subject to the requirements of 9 VAC 5-40-50 C and 9 VAC 5-50-50 C are not required to provide the written statement prescribed in this paragraph for facilities subject to the monitoring requirements of 9 VAC 5-40-40 and 9 VAC 5-50-40. The occurrence should also be reported in the next semi-annual compliance monitoring report pursuant to General Condition VII.C.3 of this permit. (9 VAC 5-80-110 F.2 and 9 VAC 5-80-250)

**F. Failure/Malfunction Reporting**

In the event that any affected facility or related air pollution control equipment fails or malfunctions in such a manner that may cause excess emissions for more than one hour, the owner shall, as soon as practicable but no later than four daytime business hours after the malfunction is discovered, notify the Director, Southwest Regional Office by facsimile transmission, telephone or telegraph of such failure or malfunction and shall within 14 days of discovery provide a written statement giving all pertinent facts, including the estimated duration of the breakdown. Owners subject to the requirements of 9 VAC 5-40-50 C and 9 VAC 5-50-50 C are not required to provide the written statement prescribed in this paragraph for facilities subject to the monitoring requirements of 9 VAC 5-40-40 and 9 VAC 5-50-40. When the condition causing the failure or malfunction has been corrected and the equipment is again in operation, the owner shall notify the Director, Southwest Regional Office. (9 VAC 5-20-180 C)

**G. Severability**

The terms of this permit are severable. If any condition, requirement or portion of the permit is held invalid or inapplicable under any circumstance, such invalidity or inapplicability shall not affect or impair the remaining conditions, requirements, or portions of the permit. (9 VAC 5-80-110 G.1)

**H. Duty to Comply**

The permittee shall comply with all terms and conditions of this permit. Any permit noncompliance constitutes a violation of the federal Clean Air Act or the Virginia Air Pollution Control Law or both and is ground for enforcement action; for permit

termination, revocation and reissuance, or modification; or, for denial of a permit renewal application.  
(9 VAC 5-80-110 G.2)

**I. Need to Halt or Reduce Activity not a Defense**

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.  
(9 VAC 5-80-110 G.3)

**J. Permit Modification**

A physical change in, or change in the method of operation of, this stationary source may be subject to permitting under State Regulations 9 VAC 5-80-50, 9 VAC 5-80-1100, 9 VAC 5-80-1605, or 9 VAC 5-80-2000 and may require a permit modification and/or revisions except as may be authorized in any approved alternative operating scenarios.  
(9 VAC 5-80-190 and 9 VAC 5-80-260)

**K. Property Rights**

The permit does not convey any property rights of any sort, or any exclusive privilege.  
(9 VAC 5-80-110 G.5)

**L. Duty to Submit Information**

1. The permittee shall furnish to the Board, within a reasonable time, any information that the Board may request in writing to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit or to determine compliance with the permit. Upon request, the permittee shall also furnish to the Board copies of records required to be kept by the permit and, for information claimed to be confidential, the permittee shall furnish such records to the Board along with a claim of confidentiality.  
(9 VAC 5-80-110 G.6)
2. Any document (including reports) required in a permit condition to be submitted to the Board shall contain a certification by a responsible official that meets the requirements of 9 VAC 5-80-80 G.  
(9 VAC 5-80-110 K.1)

**M. Duty to Pay Permit Fees**

The owner of any source for which a permit under 9 VAC 5-80-50 through 9 VAC 5-80-300 was issued shall pay permit fees consistent with the requirements of 9 VAC 5-80-310 through 9 VAC 5-80-350. The actual emissions covered by the permit program fees for the preceding year shall be calculated by the owner and submitted to the Department by April 15 of each year. The calculations and final amount of emissions are subject to verification and final determination by the Department.  
(9 VAC 5-80-110 H and 9 VAC 5-80-340 C)

**N. Fugitive Dust Emission Standards**

During the operation of a stationary source or any other building, structure, facility, or installation, no owner or other person shall cause or permit any materials or property to be handled, transported, stored, used, constructed, altered, repaired, or demolished without taking reasonable precautions to prevent particulate matter from becoming airborne. Such reasonable precautions may include, but are not limited to, the following:

1. Use, where possible, of water or chemicals for control of dust in the demolition of existing buildings or structures, construction operations, the grading of roads, or the clearing of land;
2. Application of asphalt, water, or suitable chemicals on dirt roads, materials stockpiles, and other surfaces which may create airborne dust; the paving of roadways and the maintaining of them in a clean condition;
3. Installation and use of hoods, fans, and fabric filters to enclose and vent the handling of dusty material. Adequate containment methods shall be employed during sandblasting or similar operations;
4. Open equipment for conveying or transporting material likely to create objectionable air pollution when airborne shall be covered or treated in an equally effective manner at all times when in motion; and,
5. The prompt removal of spilled or tracked dirt or other materials from paved streets and of dried sediments resulting from soil erosion.  
(9 VAC 5-40-90)

**O. Startup, Shutdown, and Malfunction**

At all times, including periods of startup, shutdown, and soot blowing, and malfunction, owners shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with air pollution control practices for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the Board, which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source.  
(9 VAC 5-40-20 E)

**P. Alternative Operating Scenarios**

Contemporaneously with making a change between reasonably anticipated operating scenarios identified in this permit, the permittee shall record in a log at the permitted facility a record of the scenario under which it is operating. The permit shield described in 9 VAC 5-80-140 shall extend to all terms and conditions under each such operating scenario. The terms and conditions of each such alternative scenario shall meet all applicable requirements including the requirements of 9 VAC 5 Chapter 80, Article 1.  
(9 VAC 5-80-110 J)

**Q. Inspection and Entry Requirements**

The permittee shall allow DEQ, upon presentation of credentials and other documents as may be required by law, to perform the following:

1. Enter upon the premises where the source is located or emissions-related activity is conducted, or where records must be kept under the terms and conditions of the permit.
2. Have access to and copy, at reasonable times, any records that must be kept under the terms and conditions of the permit.
3. Inspect at reasonable times any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under the permit.
4. Sample or monitor at reasonable times substances or parameters for the purpose of assuring compliance with the permit or applicable requirements.

(9 VAC 5-80-110 K.2)

**R. Reopening For Cause**

The permit shall be reopened by the Board if additional federal requirements become applicable to a major source with a remaining permit term of three years or more. Such reopening shall be completed no later than 18 months after promulgation of the applicable requirement. No such reopening is required if the effective date of the requirement is later than the date on which the permit is due to expire, unless the original permit or any of its terms and conditions has been extended pursuant to 9 VAC 5-80-80 F.

1. The permit shall be reopened if the Board or the administrator determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit.
2. The permit shall be reopened if the administrator or the Board determines that the permit must be revised or revoked to assure compliance with the applicable requirements.
3. The permit shall not be reopened by the Board if additional applicable state requirements become applicable to a major source prior to the expiration date established under 9 VAC 5-80-110 D.

(9 VAC 5-80-110 L)

**S. Permit Availability**

Within five days after receipt of the issued permit, the permittee shall maintain the permit on the premises for which the permit has been issued and shall make the permit immediately available to DEQ upon request.

(9 VAC 5-80-150 E)

## **T. Transfer of Permits**

1. No person shall transfer a permit from one location to another, unless authorized under 9 VAC 5-80-130, or from one piece of equipment to another.  
(9 VAC 5-80-160)
2. In the case of a transfer of ownership of a stationary source, the new owner shall comply with any current permit issued to the previous owner. The new owner shall notify the Board of the change in ownership within 30 days of the transfer and shall comply with the requirements of 9 VAC 5-80-200.  
(9 VAC 5-80-160)
3. In the case of a name change of a stationary source, the owner shall comply with any current permit issued under the previous source name. The owner shall notify the Board of the change in source name within 30 days of the name change and shall comply with the requirements of 9 VAC 5-80-200.  
(9 VAC 5-80-160)

## **U. Malfunction as an Affirmative Defense**

1. A malfunction constitutes an affirmative defense to an action brought for noncompliance with technology-based emission limitations if the requirements of paragraph 2 of this condition are met.
2. The affirmative defense of malfunction shall be demonstrated by the permittee through properly signed, contemporaneous operating logs, or other relevant evidence that show the following:
  - a. A malfunction occurred and the permittee can identify the cause or causes of the malfunction.
  - b. The permitted facility was at the time being properly operated.
  - c. During the period of the malfunction the permittee took all reasonable steps to minimize levels of emissions that exceeded the emission standards, or other requirements in the permit.
  - d. The permittee notified the Board of the malfunction within two working days following the time when the emission limitations were exceeded due to the malfunction. This notification shall include a description of the malfunction, any steps taken to mitigate emissions, and corrective actions taken. The notification may be delivered either orally or in writing. The notification may be delivered by electronic mail, facsimile transmission, telephone, or any other method that allows the permittee to comply with the deadline. This notification fulfills the requirements of 9 VAC 5-80-110 F.2.b to report promptly deviations from permit requirements. This notification does not release the permittee from the malfunction reporting requirement under 9 VAC 5-20-180 C.
3. In any enforcement proceeding, the permittee seeking to establish the occurrence of a malfunction shall have the burden of proof.

4. The provisions of this section are in addition to any malfunction, emergency or upset provision contained in any applicable requirement.  
(9 VAC 5-80-250)

**V. Permit Revocation or Termination for Cause**

A permit may be revoked or terminated prior to its expiration date if the owner knowingly makes material misstatements in the permit application or any amendments thereto or if the permittee violates, fails, neglects or refuses to comply with the terms or conditions of the permit, any applicable requirements, or the applicable provisions of 9 VAC 5 Chapter 80 Article 1. The Board may suspend, under such conditions and for such period of time as the Board may prescribe any permit for any grounds for revocation or termination or for any other violations of these regulations.

(9 VAC 5-80-190 C and 9 VAC 5-80-260)

**W. Duty to Supplement or Correct Application**

Any applicant who fails to submit any relevant facts or who has submitted incorrect information in a permit application shall, upon becoming aware of such failure or incorrect submittal, promptly submit such supplementary facts or corrections. An applicant shall also provide additional information as necessary to address any requirements that become applicable to the source after the date a complete application was filed but prior to release of a draft permit.

(9 VAC 5-80-80 E)

**X. Stratospheric Ozone Protection**

If the permittee handles or emits one or more Class I or II substances subject to a standard promulgated under or established by Title VI (Stratospheric Ozone Protection) of the federal Clean Air Act, the permittee shall comply with all applicable sections of 40 CFR Part 82, Subparts A to F.

(40 CFR Part 82, Subparts A-F)

**Y. Asbestos Requirements**

The permittee shall comply with the requirements of National Emissions Standards for Hazardous Air Pollutants (40 CFR 61) Subpart M, National Emission Standards for Asbestos as it applies to the following: Standards for Demolition and Renovation (40 CFR 61.145), Standards for Insulating Materials (40 CFR 61.148), and Standards for Waste Disposal (40 CFR 61.150).

(9 VAC 5-60-70 and 9 VAC 5-80-110 A.1)

**Z. Accidental Release Prevention**

If the permittee has more, or will have more than a threshold quantity of a regulated substance in a process, as determined by 40 CFR 68.115, the permittee shall comply with the requirements of 40 CFR Part 68.

(40 CFR Part 68)

**AA. Changes to Permits for Emissions Trading**

No permit revision shall be required under any federally approved economic incentives, marketable permits, emissions trading and other similar programs or processes for changes that are provided for in this permit.

(9 VAC 5-80-110 I)

**BB. Emissions Trading**

Where the trading of emissions increases and decreases within the permitted facility is to occur within the context of this permit and to the extent that the regulations provide for trading such increases and decreases without a case-by-case approval of each emissions trade:

1. All terms and conditions required under 9 VAC 5-80-110, except subsection N, shall be included to determine compliance.
2. The permit shield described in 9 VAC 5-80-140 shall extend to all terms and conditions that allow such increases and decreases in emissions.
3. The owner shall meet all applicable requirements including the requirements of 9 VAC 5-80-50 through 9 VAC 5-80-300.

(9 VAC 5-80-110 I)